

PROB 12B
(7/93)

Report Date: October 12, 2012

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

OCT 12 2012

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Stephen Bruce Kirk

Case Number: 2:96CR02021-001

Name of Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 1/17/1997

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1) Date Supervision Commenced: 10/12/2012

Original Sentence: Prison - 210 Months; TSR - 60 Months Date Supervision Expires: 10/11/2017

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 14 You shall complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement absent further order of the Court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.
- 15 You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.
- 16 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month.

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Recent contact with Mr. Kirk suggests the above-mentioned modifications are appropriate. In an attempt to provide Federal funding, if necessary, it is requested that the Court modify the conditions of supervision to include the aforementioned conditions.

Mr. Kirk was asked whether he would waive his right to a hearing and agree to the modification as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Supervised Release form, Mr.Kirk has agreed to the proposed modification.

It is respectfully recommended that the attached waiver of hearing to modify conditions of supervision be adopted requiring Stephen Kirk to participate in mental health and substance abuse evaluations, and any recommended treatment, and submit to urinalysis testing at the direction of the probation office.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/12/2012

Tommy Rosser

U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other

Fred W. Berndt

Signature of Judicial Officer

October 12, 2012

Date